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9 Attorneys for Plaintiff

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12

13 STANDARD FABRICS  
INTERNATIONAL, INC., a California  
14 Corporation,

15 Plaintiff,

16 v.  
17

18 NORDSTROM, INC., a Delaware  
Corporation; MIMI CHICA, a California  
19 Corporation; and DOES 1 through 10,  
20

21 Defendants.  
22  
23

Case No.:

PLAINTIFF'S COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT;
2. VICARIOUS AND/OR  
CONTRIBUTORY COPYRIGHT  
INFRINGEMENT

Jury Trial Demanded

24 Plaintiff STANDARD FABRICS INTERNATIONAL, INC., by and through  
25 its undersigned attorneys, hereby prays to this honorable Court for relief as follows:  
26  
27  
28



1 amend this Complaint to show their true names and capacities when same have been  
2 ascertained.

3 8. Plaintiff is informed and believes and thereon alleges that at all times  
4 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
5 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
6 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
7 and/or employment; and actively participated in or subsequently ratified and  
8 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of  
9 all the facts and circumstances, including, but not limited to, full knowledge of each  
10 and every violation of Plaintiff's rights and the damages to Plaintiff proximately  
11 caused thereby.

12 **CLAIM RELATED TO DESIGN 8039**

13 9. Prior to the conduct complained of herein, Plaintiff composed an original  
14 two-dimensional artwork for purposes of textile printing, which is set forth  
15 hereinbelow. It allocated this artwork Plaintiff's internal design number 8039  
16 (hereinafter the "Subject Design"). This artwork was a creation of Plaintiff's design  
17 team, and is, and at all relevant times was, owned exclusively by Plaintiff.

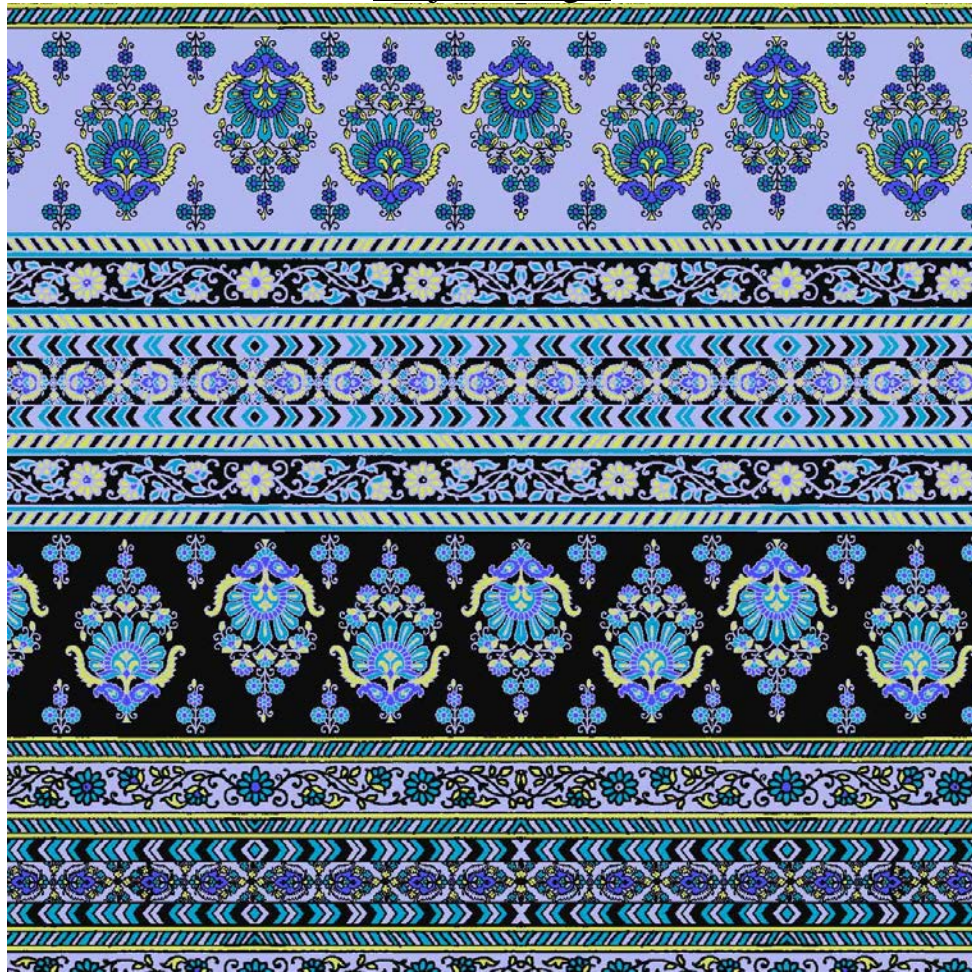
18 10. Plaintiff applied for and received a United States Copyright Registration  
19 for the Subject Design, assigned Registration No. VA 1-896-742.

20 11. Prior to the acts complained of herein, Plaintiff sampled and sold fabric  
21 bearing Subject Design to numerous parties in the fashion and apparel industries. A  
22 true and correct image of the Subject Design is presented below:

23  
24  
25  
26 ///

27 ///

Subject Design:



12. Plaintiff is informed and believes and thereon alleges that, following this distribution of fabric bearing Subject Design by Plaintiff, MIMI CHICA, NORDSTROM, and certain DOE Defendants created, sold, manufactured, caused to be manufactured, imported and distributed fabric and/or garments comprised of fabric bearing an unauthorized reproduction of Subject Design (“Subject Product”). Such Subject Product includes but is not limited to garments sold by NORDSTROM under, *inter alia*, SKU 841681110899, and bearing the label “Mimi Chica” and RN 0101070, indicating that it was manufactured by or for MIMI CHICA. See below for true and correct images of an exemplar of such infringing fabric and the Subject Design:



SUBJECT DESIGN	SUBJECT PRODUCT
	<p data-bbox="1143 275 1243 310">Detail:</p>  <p data-bbox="1122 848 1265 884">Garment:</p> 

13. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights and/or in blatant disregard for Plaintiff's rights, such

1 that said acts of copyright infringement were, and continue to be, willful, intentional  
2 and malicious, subjecting Defendants, and each of them, to liability for statutory  
3 damages under Section 504(c)(2) of the Copyright Act in the sum of up to one  
4 hundred fifty thousand dollars (\$150,000) per infringement.

5 14. A comparison of the Subject Design and each non-exclusive exemplar of  
6 Subject Product makes apparent that the elements, composition, colors, arrangement,  
7 layout, and appearance of the designs are substantially similar.

8 **FIRST CLAIM FOR RELIEF**

9 (For Copyright Infringement – Against All Defendants, and Each)

10 15. Plaintiff repeats, realleges, and incorporates herein by reference as though  
11 fully set forth, the allegations contained in the preceding paragraphs of this  
12 Complaint.

13 16. Plaintiff is informed and believes and thereon alleges that Defendants, and  
14 each of them, had access to Subject Design, including, without limitation, through  
15 (a) access to Plaintiff's showroom and/or design library; (b) access to illegally  
16 distributed copies of the Subject Design by third-party vendors and/or DOE  
17 Defendants, including without limitation international and/or overseas converters  
18 and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) garments  
19 manufactured and sold to the public bearing fabric lawfully printed with the Subject  
20 Design by Plaintiff for its customers.

21 17. Plaintiff is informed and believes and thereon alleges that one or more of  
22 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is  
23 further informed and believes and thereon alleges that said Defendant(s) has an  
24 ongoing business relationship with Defendant retailers, and each of them, and  
25 supplied garments to said retailer, which garments infringed the Subject Design in  
26 that said garments were composed of fabric which featured unauthorized print  
27

1 design(s) that were identical or substantially similar to the Subject Design, or were  
2 an illegal derivation or modification thereof.

3 18. Plaintiff is informed and believes and thereon alleges that Defendants, and  
4 each of them, infringed Plaintiff's copyright by creating, making, and/or developing  
5 directly infringing and/or derivative works from the Subject Design and by  
6 producing, distributing and/or selling garments which infringe the Subject Design  
7 through a nationwide network of retail stores, catalogues, and through on-line  
8 websites.

9 19. Due to Defendants' acts of infringement, Plaintiff has suffered substantial  
10 damages to its business in an amount to be established at trial.

11 20. Due to Defendants' acts of infringement, Plaintiff has suffered general and  
12 special damages in an amount to be established at trial.

13 21. Due to Defendants' acts of copyright infringement as alleged herein,  
14 Defendants, and each of them, have obtained direct and indirect profits they would  
15 not otherwise have realized but for their infringement of the Subject Design. As  
16 such, Plaintiff is entitled to disgorgement of Defendants' profits directly and  
17 indirectly attributable to Defendants' infringement of the Subject Design in an  
18 amount to be established at trial.

19 22. Plaintiff is informed and believes and thereon alleges that Defendants, and  
20 each of them, have committed acts of copyright infringement, as alleged above,  
21 which were willful, intentional and malicious, which further subjects Defendants,  
22 and each of them, to liability for statutory damages under Section 504(c)(2) of the  
23 Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per  
24 infringement. Within the time permitted by law, Plaintiff will make its election  
25 between actual damages and statutory damages.

**SECOND CLAIM FOR RELIEF**

(For Vicarious and/or Contributory Copyright Infringement - Against All Defendants)

23. Plaintiff repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

24. Plaintiff is informed and believes and thereon alleges that Defendants knowingly induced, participated in, aided and abetted in and profited from the illegal reproduction and/or subsequent sales of garments featuring the Subject Design as alleged herein.

25. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, are vicariously liable for the infringement alleged herein because they had the right and ability to supervise the infringing conduct and because they had a direct financial interest in the infringing conduct.

26. By reason of the Defendants', and each of their, acts of contributory and vicarious infringement as alleged above, Plaintiff has suffered and will continue to suffer substantial damages to its business in an amount to be established at trial, as well as additional general and special damages in an amount to be established at trial.

27. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement of the Subject Design, in an amount to be established at trial.

28. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed acts of copyright infringement, as alleged above,



1 which were willful, intentional and malicious, which further subjects Defendants,  
 2 and each of them, to liability for statutory damages under Section 504(c)(2) of the  
 3 Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000) per  
 4 infringement. Within the time permitted by law, Plaintiff will make its election  
 5 between actual damages and statutory damages.

### 6 **PRAYER FOR RELIEF**

7 Wherefore, Plaintiff prays for judgment as follows:

#### 8 **Against All Defendants**

#### 9 **29. With Respect to Each Claim for Relief**

- 10 a. That Defendants, each of them, and their agents and employees be  
 11 enjoined from infringing Plaintiff's copyrights in any manner,  
 12 specifically those for the Subject Design;
- 13 b. That a constructive trust be imposed over the Infringing Product and any  
 14 revenues derived from their sales;
- 15 c. That Defendants, and each of them, account to Plaintiff for their profits  
 16 and any damages sustained by Plaintiff arising from the foregoing acts  
 17 of infringement, the exact sum to be proven at the time of trial, or, if  
 18 elected before final judgment, statutory damages as available under the  
 19 Copyright Act, 17 U.S.C. § 101 et seq.;
- 20 d. That Plaintiff be awarded its attorneys' fees as available under the  
 21 Copyright Act U.S.C. § 101 et seq.;
- 22 e. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 23 f. That Plaintiff be awarded the costs of this action; and
- 24 g. That Plaintiff be awarded such further legal and equitable relief as the  
 25 Court deems proper.

1 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.  
2 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

3  
4 Respectfully submitted,

5 Dated: June 29, 2017

6 By: /s/ Scott A. Burroughs  
7 Scott A. Burroughs, Esq.  
8 Trevor W. Barrett, Esq.  
9 Attorneys for Plaintiff  
10 Standard Fabrics International, Inc.  
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